

REMARKS

Claims 1-18 are pending in this patent application, of which claims 1 and 15 are independent claims. Applicants respectfully request reconsideration and allowance of this patent application in view of the following remarks.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U. S. Patent No. 4,485,379 issued to Kinoshita, *et al.* (“Kinoshita”) in view of U. S. Patent No. 6,265,833 issued to Kim, *et al.* (“Kim”) and in view of U. S. Patent No. 5,027,036 issued to Ikarashi *et al.* (“Ikarashi”). Applicants respectfully traverse this rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference or references, when combined, must disclose or suggest all of the claim limitations. The motivation to modify the prior art and the reasonable expectation of success must both be found in the prior art and not based upon a patent applicant’s disclosure. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the

artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

The examiner has failed to establish a prima facie case of obviousness. There is no suggestion or motivation to modify the references or to combine the reference teachings in the manner proposed by the Examiner. An object of Kinoshita’s invention is to prevent characters from burning into a display panel. Col. 1, lines 32-43. An object of Ikarashi’s invention is to provide a drive circuit that corrects for a shift in the color of emitted light from degraded, fluorescent powdery materials used for dispersion electroluminescence devices. Col. 1, lines 42-50; Col. 2, lines 16-22. Further, despite the fact that Kim’s invention is directed to automatically controlling brightness of a display device and setting optimal power consumption, Kim explicitly teaches away from Applicants’ invention.

Specifically, claim 15 recites, *inter alia*:

a CPU which outputs said mode switching signal and said image signal to said control circuit based on designation by a user,

Kim states that self-emitting display devices have numerous control switches, and when the user has to control emitting luminance of the display device in accordance with the environment, it adds “user inconvenience” and “no benefits in time and effects.” Col. 1, lines 29-32. Additionally, Kim, Kinoshita and Ikarashi do not disclose or suggest varying panel brightness or saving power by varying the means of scanning the panel. Therefore, there is no reason why one skilled in the art, who was faced with the problem confronting the Applicants and who had no prior knowledge of Applicants’ claimed structure, would consult the particular combination of references suggested by the Examiner.

Further, there is no showing of a reasonable expectation of success. Ikarashi's driving circuit is designed to correct a color shift due to degradation of light emitting materials. There is no disclosure supporting that Ikarashi's driving circuit would adjust brightness and power consumption.

Finally, even if the references could be combined, the combination does not disclose or suggest all of the claim limitations.

First, claims 1 and 15 recite, *inter alia*:

a control circuit which selects one of modes as an operation mode in response to a mode switching signal, and outputs a data signal and a scan control signal based on an image signal to be displayed and said selected mode

The Office Action states that "Kim teaches a control circuit (controller 3; figure 3) ..." that "outputs a data signal (driving signal at step ST3 in according with driving mode selected)..." However, Applicants respectfully submit that while Kim's controller outputs a driving mode control signal, it does not output a data signal. Rather, the driving signal at Kim's step ST3 is output from the driver 4, not the controller 3. Col. 7, line 44 – Col. 8, line 6. See also Col. 5, lines 54-58. Hence, Kim's controller does not disclose or suggest the limitations of Applicants' control circuit.

Second, claim 15 recites, *inter alia*:

a CPU which outputs said mode switching signal and said image signal to said control circuit based on designation by a user, and outputs said mode switching signal to said control circuit based on the detected brightness by said external brightness

The Office Action states that Kim teaches "a CPU (done by the driving mode selector 3a of controller 3) which outputs said mode switching signal and said image signal to said control

circuit based on designation by a user, and outputs said mode switching signal to said control circuit based on the detected brightness by said external brightness ...” However, Kims’s driving mode selector does not disclose or suggest Applicants’ CPU because Kim’s driving mode selector 3a is part of the controller 3. Col. 6, lines 44-45 and Fig. 3. Consequently, Kim’s driving mode selector can not output the mode switching signal to the control circuit.

Additionally, Kim does not disclose or suggest a CPU which outputs said mode switching signal and said image signal to said control circuit based on designation by a user. In fact, as noted above, Kim teaches away from a user controlling the luminance of the display device. Hence, Kim’s driving mode selector 3a does not disclose or suggest the limitations of Applicants’ CPU.

Third, claims 1 and 15 recite, *inter alia*:

a control circuit which selects one of modes as an operation mode in response to a mode switching signal, and outputs a data signal and a scan control signal based on an image signal to be displayed and said selected mode

a row driving section connected to said plurality of scan lines to sequentially drive said plurality of scan lines based on said scan control signal in a unit determined based on said operation mode

The Office Action states that “Kim/Kinoshita does not teach the same control circuit that also outputs a scan control signal based on the image signal to be displayed and said selected mode and a row driving section connected to said plurality of scan lines to sequentially drive said plurality of scan lines based on said scan control signal in a unit determined based on said operation mode.” The Office Action purports to supply these deficiencies of Kim and Kinoshita based on a general statement made in Ikarashi that the brightness of an EL display can be boosted by increasing its drive frequency. However, this general principle stated in Ikarashi does

not even remotely disclose or suggest the limitations of Applicants' control circuit and row driving section.

Specifically, Ikarashi does not disclose or suggest "a control circuit which selects one of modes as an operation mode in response to a mode switching signal, and outputs ... a scan control signal based on an image signal to be displayed and said selected mode," nor does it disclose or suggest "a row driving section connected to said plurality of scan lines to sequentially drive said plurality of scan lines based on said scan control signal in a unit determined based on said operation mode."

Therefore, Ikarashi's general teaching combined with Kim and Kinoshita does not show or suggest all of the claim limitations of claims 1 and 15. Rather, Kim, Kinoshita, and Ikarashi teach and suggest concepts that are fundamentally different than Applicants' invention. And the structure and function of Applicants' invention is fundamentally different and patentably distinct from these cited references. None of the other references of record supply the deficiencies of Kim, Kinoshita, and Ikarashi. Therefore, claim 15 is patentable.

Claim 1 was rejected under a similar analysis to claim 15. For the reasons noted above, claim 1 is also patentable.

Claims 2 and 16-18 depend from claim 1, which is an allowable claim. Hence, claims 2 and 16-18 are also allowable. Accordingly, Applicants respectfully submit that claims 2 and 16-18 are patentable over the references of record.

Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 15, and all the claims that depend therefrom, are allowable.

Claims 3-14 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kinoshita, Kim, and Ikarashi in view of Kuwata, *et al.* ("Kuwata"). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 3-14 depend from claim 1, which is an allowable claim. The additional reference of Kuwata does not cure the deficiency of Kinoshita, Kim and Ikarashi. Hence, claims 3-14 are also allowable.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-18. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 15, and all the claims that depend therefrom are allowable.

Other Matters

Pursuant to the Assignment and Statement Under 37 C.F.R. 3.73(b), Power of Attorney by Assignee, filed on March 26, 2004, it is requested that future correspondence regarding this application be sent to **McGuireWoods LLP**.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

Richard T. Schachner, Reg. No. 48,342
Hae-Chan Park
Reg. No. 50,114 FOR

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McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5365
Fax: 703-712-5280
HCP:RTS

\\COM479900.2